

APPENDIX X

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Kathleen Ryan Miller, et al. : CIVIL ACTION
:
v. :
:
Ajinomoto Co., Inc., et al. : NO. 06-CV-01862

ORDER

AND NOW, this Day of , 200 , it is hereby
ORDERED that the application of David Marx, Jr., Esquire, to practice in this
court pursuant to Local Rule of Civil Procedure 83.5.2(b) is

GRANTED.

DENIED.

J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Civil Action No# 06-CV-01862

APPLICATION FORM FOR THOSE ATTORNEYS SEEKING TO PRACTICE IN THIS COURT PURSUANT TO LOCAL RULE OF CIVIL PROCEDURE 83.5.2(b)

I. APPLICANT'S STATEMENT

I, David Marx, Jr. the undersigned, am an attorney who is not currently admitted to either the bar of this court or the bar of the Supreme Court of Pennsylvania, and I hereby apply for admission to practice in this court pursuant to Local Rule of Civil Procedure 83.5.2(b), and am submitting a check, number 172557, for the \$40.00 admission fee.

A. I state that I am currently admitted to practice in the following state jurisdictions:

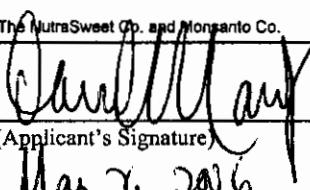
<u>Illinois</u> (State where admitted)	<u>11/06/1996</u> (Admission date)	<u>6194003</u> (Attorney Identification Number)
<u>New York</u> (State where admitted)	<u>06/29/1976</u> (Admission date)	<u>1189711</u> (Attorney Identification Number)
<u>(State where admitted)</u>	<u>(Admission date)</u>	<u>(Attorney Identification Number)</u>

B. I state that I am currently admitted to practice in the following federal jurisdictions:

<u>See Certification</u> (Court where admitted)	<u>(Admission date)</u>	<u>(Attorney Identification Number)</u>
<u>(Court where admitted)</u>	<u>(Admission date)</u>	<u>(Attorney Identification Number)</u>
<u>(Court where admitted)</u>	<u>(Admission date)</u>	<u>(Attorney Identification Number)</u>

C. I state that I am at present a member of the aforesaid bars in good standing, and that I will demean myself as an attorney of this court uprightly and according to law, and that I will support and defend the Constitution of the United States.

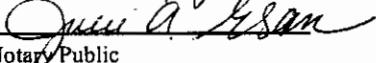
I am entering my appearance for

The NutraSweet Co. and Monsanto Co.

Julie A. Esau
(Applicant's Signature)
May 26, 2006
(Date)

APPLICANT'S OFFICE ADDRESS AND TELEPHONE NUMBER:

<u>McDermott Will & Emery LLP</u>	<u>Tel: (312) 984-7668</u>
<u>227 West Monroe St., Suite 4400</u>	
<u>Chicago, IL 60606-5096</u>	

Sworn and subscribed before me this

26th Day of May 2006

Julie A. Esau
Notary Public



10/04

II. SPONSOR'S STATEMENT, MOTION AND CERTIFICATE OF SERVICE

The undersigned member of the bar of the United States District Court for the Eastern District of Pennsylvania hereby moves for the admission of David Marx, Jr. to practice in said court pursuant to Local Rule of Civil Procedure 83.5.2(b), and certify that I know (or after reasonable inquiry believe) that the applicant is a member in good standing of the above-referenced state and federal courts and that the applicant's private and personal character is good. I certify that this application form was on this date mailed, with postage prepaid, to all interested counsel.

George Gordon

Sponsor's Name



Sponsor's Signature

1/17/92

Admission date

63072

Attorney
Identification No.

SPONSOR'S OFFICE ADDRESS AND TELEPHONE NUMBER:

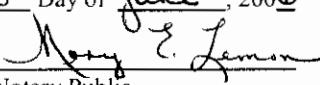
Dechert LLP

Tel: (215) 994-2382

Cira Centre, 2929 Arch Street

Philadelphia, PA 19104-2808

Sworn and subscribed before me this

8th Day of June, 2006

Notary Public

NOTARIAL SEAL
MARY E. LEMON, Notary Public
City of Philadelphia, Phila. County
My Commission Expires November 12, 2006

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Kathleen Miller, et al.,)	
)	
Plaintiffs,)	
v.)	Case No. 06-CV-1862 (HB)
Ajinomoto Company, Inc., et al.,)	CERTIFICATION OF DAVID MARX, JR. IN SUPPORT OF APPLICATION FOR <u>ADMISSION PRO HAC VICE</u>
Defendants.)	

I, **David Marx, Jr.**, do hereby certify as follows:

1. I am a partner of the law firm McDermott Will & Emery LLP, attorneys for Defendants The NutraSweet Company and Monsanto Company (collectively “NutraSweet”) in this matter. I am fully familiar with the facts and circumstances surrounding this matter, and I submit this Certification in support of NutraSweet’s application for my *pro hac vice* admission.

2. I am admitted to practice, and am presently in good standing, before the following courts:

Jurisdiction	Date of Admission
Supreme Court of the United States of America	September 7, 1990
State of Illinois Supreme Court	November 6, 1986
United States District Court Northern District of Illinois	December 18, 1986
United States District Court Southern District of Illinois	July 13, 2004
United States District Court Central District of Illinois	December 2, 1991
United States Court of Appeals Third Circuit	January 2, 1998

United States Court of Appeals Sixth Circuit	March 11, 2004
United States Court of Appeals Seventh Circuit	October 14, 1994
United States Court of Appeals Eighth Circuit	January 16, 1996
United States District Court Denver, Colorado	May 4, 1999
United States Court of Appeals for District of Columbia Circuit	April 26, 1990
United States District Court for Eastern District of Michigan	May 16, 2005
State of New York Appellate Division of the Supreme Court	June 29, 1976
United States District Court Eastern District of Wisconsin	August 4, 2004

3. I have never been subjected to any discipline by any court or governing body.

4. My firm has a relationship with NutraSweet and has been consulted as counsel in several different matters. The issues raised in this litigation before this Court involve areas of the law with which I have experience.

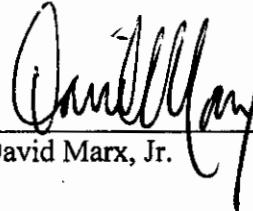
5. Pursuant to the rules of this Court, all pleadings submitted on behalf of NutraSweet in this litigation will be signed by the firm of Dechert LLP, attorney of record for NutraSweet.

6. I agree to strictly observe the dates fixed for scheduling conferences, motions, briefs, pre-trial conferences, trial or other proceedings. I further agree to submit to the jurisdiction of this Court for the purposes of sanctions, discipline or other such action as the Court may deem proper.

7. Pursuant to Local Rule of Civil Procedure 83.5.2(b), I agree to pay a fee of \$40.00 to the Clerk, United States District Court.

8. In light of the foregoing, I respectfully request on behalf of NutraSweet that I be admitted pro hac vice for the purpose of representing it in this matter in association with Pennsylvania counsel. I agree to be bound by the rules governing practice in this Court, including the disciplinary rules.

I declare under penalty of perjury that the foregoing is true and accurate.



David Marx, Jr.

Dated: May 26, 2006

NYK 1038492-1.058468.0033

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KATHLEEN RYAN MILLER, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	No. 06-CV-1862-HB
v.	:	
AJINOMOTO CO., INC., <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

CERTIFICATE OF SERVICE

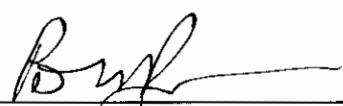
I declare under penalty of perjury that on this 13th day of June, 2006, a copy of the application of David Marx, Jr., Esq., to practice in this court pursuant to Local Rule of Civil Procedure 83.5.2(b) and the relevant proposed Order which, if granted, would permit such practice in this court was mailed today with postage prepaid to the following counsel of record:

Jordan M. Lewis
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Counsel for Plaintiffs

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(215) 587-1087

*Counsel for Defendant
Daesang America, Inc.*



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Cira Centre
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Philadelphia, PA 19104-2808
(215) 994-2449

*Counsel for The NutraSweet Co.
and Monsanto Co.*